

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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GARDEN CITY BOXING CLUB, INC.,

Plaintiff,

- against -

MARIA S. ALICEA, Individually d/b/a
WILKSON CAFÉ & BAR CORP. and
EMERGENCY ROOM a/k/a
EMERGENCY ROOM BAR,

Defendants.
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: 04 Civ. 2084 (RMB) (MHD)
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DECISION AND ORDER

I. Background

On or about June 6, 2005, United States Magistrate Judge Michael H. Dolinger, to whom this default proceeding had been referred, issued a report and recommendation (“Report”) recommending that the Garden City Boxing Club, Inc. (“Plaintiff”) be awarded damages against Maria S. Alicea, individually d/b/a Wilkson Café & Bar Corp. and Emergency Room a/k/a Emergency Room Bar (collectively, “Defendants”), jointly and severally, in the amount of \$9,000.00 in statutory damages under Section 605 of the Communications Act of 1934, 47 U.S.C. § 605, and \$565.00 in costs, for a total award of \$9,565.00. (Report at 14.)

The Report advised that “the parties shall have ten (10) days from service of this Report to file written objections,” pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure. (Report at 14-15.) As of the date of this Order, neither Plaintiff nor Defendants have submitted objections.

II. Standard of Review

The Court may adopt those portions of a magistrate's report to which no objections have been made and which are not clearly erroneous. See Thomas v. Arn, 474 U.S. 140, 149 (1985); see also Nieves v. Kelly, 990 F. Supp. 255, 257 (S.D.N.Y. 1997). The Court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1)(C); see also Fed. R. Civ. P. 72(b); Gracia v. Scully, 892 F.2d 16, 19 (2d Cir. 1989); DeLuca v. Lord, 858 F. Supp. 1330, 1345 (S.D.N.Y. 1994).

III. Analysis

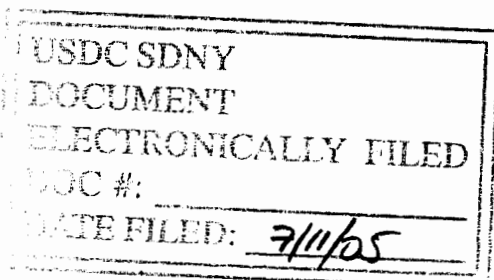
Having conducted a review of the Report and applicable legal authorities, the Court finds that the Report is not clearly erroneous and is, in fact, in conformity with the law in all respects. See 47 U.S.C. §§ 553, 605 (2005); Time Warner Cable of New York City v. Taco Rapido Rest., 988 F. Supp. 107, 111 (E.D.N.Y. 1997); Pizarro v. Bartlett, 776 F. Supp. 815, 817 (S.D.N.Y. 1991).

IV. Order

For the reasons stated herein and therein, the Court adopts the Report in its entirety.

The Clerk of the Court is respectfully requested to enter judgment against the Defendants, jointly and severally, in the amount of \$9,565.00.

Dated: New York, New York
July 8, 2005





RICHARD M. BERMAN, U.S.D.J.